

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: September 21, 2005

Division: County Attorney

Bulk Item: Yes      No xxx

Department: County Attorney

Staff Contact Person: Bob Shillinger x3470

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**AGENDA ITEM WORDING:**

Rejection of settlement offer in *Monroe County v. Dorothy Hough, et al*, CA P 05-160.

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**ITEM BACKGROUND:** The County owns a code enforcement lien against a Key Largo property owned by Mrs. Hough and her two adult children in the amount of \$60,200.00 as of August 30, 2005 and which continues to accrue at \$50.00 per day. As of that date, Code Enforcement staff reported that the property was not in compliance. The case began in August 2001 when the owners were noticed with a violation for building a carport without a permit and a setback violation. Mrs. Hough signed for the certified letter containing the NOV so notice is not an issue. On February 28, 2002, the Special Magistrate ordered the owners to obtain after the fact permits. When that order wasn't complied with, the Special Magistrate imposed a daily fine that began running on May 14, 2002.

On October 21, 2003, the County Attorney's office spoke with one of the owners and confirmed the existence of the lien and the running fine. The owner stated that he was working through an engineering firm to secure an after the fact permit. After several extensions and no success, the County Attorney's office file suit on April 5, 2005. The owner did eventually pull a building permit but the structure failed inspection on June 2, 2005. The case is currently in the discovery process.

A new attorney recently took over the case for the Defendants and conveyed an offer of \$2,500.00 to settle this matter. He further represented that the property is in compliance. According to records of the Building and Code Enforcement departments, that information is incorrect. That offer represents approximately 4.15 % of the total fine to date. To date, the County has incurred \$1,700 in attorney's fees in attempting to enforce this lien in addition to the \$596 dollars in costs that it has spent. After the County's costs have been recouped, the Defendants offer would amount to a \$204.00 fine for a violation that continues to exist.

Because the violation has not been corrected, the property is not currently in compliance with the Special Magistrates order and the County Code. For that reason, staff opposes any settlement agreement at this time.

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**PREVIOUS RELEVANT BOCC ACTION:** On 9/17/03, the BOCC authorized collection action.

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**CONTRACT/AGREEMENT CHANGES:** n/a

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**STAFF RECOMMENDATIONS:** Rejection of offer.

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**TOTAL COST:** n/a

**BUDGETED:** Yes xxx No     

**COST TO COUNTY:** n/a

**SOURCE OF FUNDS:** n/a

**REVENUE PRODUCING:** Yes xx No      **AMOUNT PER MONTH** n/a **Year** n/a

**APPROVED BY:** County Atty xx OMB/Purchasing      Risk Management     

**DIVISION DIRECTOR APPROVAL:**

John R. Collins 08/31/05  
John R. Collins, County Attorney

**DOCUMENTATION:** Included      Not Required xx

**DISPOSITION:**                                     

**AGENDA ITEM #**             

Revised 2/05